

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.2808 of 2015

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Dated 24.07.2015
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Between:

Akkla Dasaradha Rami Reddy

... Petitioner

and

-
Movva Rama Seshagiri Rao

...Respondent

Counsel for the petitioner: Mrs.Marella Radha

Counsel for the respondent: None appeared

The Court made the following:

Order:

This Civil Revision Petition arises out of Order, dated 05.06.2015, in IA.No.43 of 2015 in OS.No.26 of 2011, on the file of the Court of the learned Senior Civil Judge, Repalle.

The respondent has filed the above-mentioned suit for recovery of money on the foot of a promissory notice, allegedly, executed by the petitioner. The petitioner has filed a written statement wherein he has taken the plea that the

suit promissory note might have been fabricated by the respondent. After the evidence was closed, the petitioner has filed IA.No.43 of 2015 under Section 45 of the Indian Evidence Act, 1872, for sending the suit promissory note along with his admitted signatures for an expert's opinion. This Application has been dismissed by the lower Court. Feeling aggrieved thereby, the petitioner filed this Civil Revision Petition.

In the order under revision, the lower Court has categorically observed that during the cross-examination, the petitioner as DW.1 has clearly admitted that the signatures on the suit promissory note belong to him. This submission coupled with the unequivocal statement contained in the written statement that the promissory note might have been fabricated has convinced the lower Court to arrive at the conclusion that there is no necessity for sending the said document for expert's opinion. In the light of these facts, I am of the opinion that the lower Court has not committed any jurisdictional error in rejecting the request of the petitioner for sending the suit document for an expert's opinion.

For the above-mentioned reasons, the Civil

Revision Petition is dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.3751 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 24th July, 2015
LUR